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| EXAMINER |
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HEWITT, JAMES M

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3679

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03/30/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/576,558 | <b>Applicant(s)</b><br>CHELCHOWSKI ET AL. |  |
|                              | <b>Examiner</b><br>JAMES M. HEWITT   | <b>Art Unit</b><br>3679                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The supplemental declaration (01/27/2009) does not indicate that the application as amended on 4/18/06.

### ***Information Disclosure Statement***

The documents listed in the International Search Report for PCT/AU2005/001582 and the report itself have not been considered as they have not been properly listed on an acceptable form nor have the foreign documents been provided as required by MPEP 609.

### ***Specification***

The abstract of the disclosure is objected to because it begins with a phrase that can be implied. Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The following does not find proper antecedent basis in the (detailed description of the)

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specification: a pipe receiving portion; an o-ring portion; gripping member abutment surface.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7, 13-17 and 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 3, "said annular wall" lacks proper antecedent basis.

In claim 13, line 3, "said annular wall" lacks proper antecedent basis.

In claim 14, line 4, "the internal edge (of said base surface)" lacks proper antecedent basis.

In claim 14, line 6, "said internal edge (of said pipe end)" lacks proper antecedent basis.

In claim 15, line 4, "said body inner surface" lacks proper antecedent basis.

In claim 15, line 6, "the inner edge" lacks proper antecedent basis.

In claim 15, line 6, "said inner surface" lacks proper antecedent basis.

In claim 16, line 3, "said body inner surface" lacks proper antecedent basis.

In claim 17, line 3, "said gripping member second surface" lacks proper antecedent basis.

In claim 17, line 4, "said nut second surface" lacks proper antecedent basis.

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In claim 19, line 2 (and 5), "said gripping member second surface" lacks proper antecedent basis.

In claim 19, line 3 (and 6), "said nut second surface" lacks proper antecedent basis.

In claim 20, line 2, "said gripping member second surface" lacks proper antecedent basis.

In claim 20, lines 3-4, "said nut second surface" lacks proper antecedent basis.

In claim 21, line 3, "said nut second surface" lacks proper antecedent basis.

In claim 21, line 3, "said stop" lacks proper antecedent basis.

In claim 22, line 2, "said nut second surface" lacks proper antecedent basis.

In claim 22, line 3 (and 4), "said gripping member second surface" lacks proper antecedent basis.

In claim 22, line 4, "said nut second surface" lacks proper antecedent basis.

In claim 23, line 2, "said nut second surface" lacks proper antecedent basis.

In claim 23, line 3, "said gripping member second surface" lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Godfrey et al (US 5,360,238).

As to claim 1, Godfrey et al discloses a sealing member (13) for use in a pipe coupling assembly of the type adapted to engage an end of a pipe having an exposed metal surface, said sealing member characterised by a pipe receiving *portion* adapted to sealably receive the end of the pipe to thereby prevent contact of the exposed metal surface with liquid travelling through the pipe.

As to claim 2, wherein said sealing member further includes an o-ring *portion* that is adapted to provide a seal between the pipe and the pipe coupling assembly.

As to claim 3, wherein the sealing member is integrally formed and adapted to be positioned within the pipe coupling assembly so that the pipe receiving portion is located in a position rearwards of the o-ring portion, the pipe receiving portion and o-ring portion being joined by an annular wall of predetermined longitudinal length.

As to claim 4, wherein the o-ring portion extends substantially outwardly from the annular wall and said pipe receiving portion extends substantially inwardly from the annular wall.

As to claim 5, wherein the pipe receiving portion is in the form of an annular channel including a base surface which extends inwardly from the annular wall substantially perpendicularly to the longitudinal axis of the coupling, said base surface

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adapted to abut with the exposed metal surface of the pipe end when the pipe is fully received within the pipe receiving portion.

As to claim 6, wherein the pipe receiving portion further includes an internal wall defining a central bore of the sealing member, said internal wall extending forwardly from the internal edge of the base surface so that when the pipe end is fully received within the pipe receiving portion, the internal wall lines the internal edge of the pipe end.

As to claim 7, wherein when the pipe end is fully received within the pipe receiving portion of the sealing member, the base surface and internal wall of the pipe receiving portion serve to prevent contact of liquid travelling through the central bore of the sealing member with the exposed metal surface of the pipe end.

Claims 1-7, 9-18 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Norman (US 7,469,936).

As to claim 1, Norman discloses a sealing member (18) for use in a pipe coupling assembly of the type adapted to engage an end of a pipe having an exposed metal surface, said sealing member characterised by a pipe receiving portion adapted to sealably receive the end of the pipe to thereby prevent contact of the exposed metal surface with liquid travelling through the pipe.

As to claim 2, wherein said sealing member further includes an o-ring portion that is adapted to provide a seal between the pipe and the pipe coupling assembly.

As to claim 3, wherein the sealing member is integrally formed and adapted to be positioned within the pipe coupling assembly so that the pipe receiving portion is located

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in a position rearwards of the o-ring portion, the pipe receiving portion and o-ring portion being joined by an annular wall of predetermined longitudinal length.

As to claim 4, wherein the o-ring portion extends substantially outwardly from the annular wall and said pipe receiving portion extends substantially inwardly from the annular wall.

As to claim 5, wherein the pipe receiving portion is in the form of an annular channel including a base surface which extends inwardly from the annular wall substantially perpendicularly to the longitudinal axis of the coupling, said base surface adapted to abut with the exposed metal surface of the pipe end when the pipe is fully received within the pipe receiving portion.

As to claim 6, wherein the pipe receiving portion further includes an internal wall defining a central bore of the sealing member, said internal wall extending forwardly from the internal edge of the base surface so that when the pipe end is fully received within the pipe receiving portion, the internal wall lines the internal edge of the pipe end.

As to claim 7, wherein when the pipe end is fully received within the pipe receiving portion of the sealing member, the base surface and internal wall of the pipe receiving portion serve to prevent contact of liquid travelling through the central bore of the sealing member with the exposed metal surface of the pipe end.

As to claim 9, Norman discloses a pipe coupling assembly for connection of a pipe having an end with exposed metal, said pipe coupling assembly including: a hollow body (22) having an external thread extending at least in part therealong; a nut (26)



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threadably engaging said body external thread; a sealing member (18) including a pipe receiving *portion*; and a deformable gripping member (14) wherein upon tightening of said nut, a force is exerted on the gripping member both in the longitudinal and radial directions to thereby cause the gripping member to engage the pipe and drag it into the body so that the end of the pipe is received within the pipe receiving portion of the sealing member.

As to the recitation “wherein upon tightening of said nut, a force is exerted on the gripping member both in the longitudinal and radial directions to thereby cause the gripping member to engage the pipe and drag it into the body so that the end of the pipe is received within the pipe receiving portion of the sealing member”, Norman’s assembly, with gripping member, sealing member and nut, is considered capable of engaging the pipe and dragging it into the body so that the end of the pipe is received within the pipe receiving portion of the sealing member.

Note that claim 9 does not positively recite the pipe as part of the invention, and thus the claim only requires that the assembly be capable of engaging/dragging a given pipe.

As to claim 10, wherein the hollow body includes an inner surface and a gripping member abutment surface disposed rearwardly from the inner surface.

As to claim 11, wherein the sealing member further includes an o-ring *portion* adapted to sit between the gripping member abutment surface and the gripping

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member, said o-ring portion adapted to compress when said longitudinal force is applied to the gripping member.

As to claim 12, wherein the sealing member is an integrally formed structure whereby the pipe receiving portion is disposed rearwardly from the o-ring portion and joined by an annular wall of predetermined length.

As to claim 13, wherein the pipe receiving portion is in the form of an annular channel including a base surface which extends inwardly from the annular wall substantially perpendicularly to the longitudinal axis of the coupling, said base surface adapted to abut with the exposed metal surface of the pipe end when the pipe is fully received within the pipe receiving portion.

As to claim 14, wherein the pipe receiving portion further includes an internal wall defining a central bore of the sealing member, said internal wall extending forwardly from the internal edge of the base surface so that when the pipe end is fully received within the pipe receiving portion, the internal wall lines the internal edge of the pipe end.

As to claim 15, wherein the nut includes at one end an internal thread co-operable with said body external thread and including a hooked projection (as at 32) adapted to extend over at least part of said body inner surface said projection including a first inner surface generally parallel to said body inner surface, a second outwardly converging surface extending from the inner edge of said inner surface.

As to claim 16, wherein the deformable gripping member includes a first surface generally parallel to said body inner surface and having a second outwardly converging

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outer surface extending from said first surface, said gripping member including radially inward barbs (44).

As to claim 17, wherein the gripping member moves sufficiently radially inwardly that the gripping member second surface is caused to slide inwardly against the nut second surface until in a fixed position at which time the body reinforces the nut against any radial force.

As to claim 18, wherein the gripping member may be in the form of a collet that is split (48).

As to claim 21, wherein said nut further includes an annular shoulder extending radially inwardly from the edge of said nut second surface, said stop adapted to be abutted by said gripping member when in its compressed state to thereby provide a resistive force for the gripping member moving longitudinally out of the body.

As to claim 22, wherein the width of said nut second surface is greater than the width of the gripping member second surface to thereby accommodate said gripping member second surface sliding alongside said nut second surface as the nut is tightened whilst full surface contact between the two surfaces is maintained.

As to claim 23, wherein the width of said nut second surface is *approximately* 1/3 greater than the width of the gripping member second surface.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al.

Godfrey et al fail to teach that the rearward end includes a plurality of tetrahedrally shaped grooves disposed radially thereabout. Examiner takes official notice of the use of radially spaced grooves at the end of such a pipe fitting member, and as Applicant has assigned no criticality to the shape of said grooves being tetrahedral, it would have been an obvious matter of design choice to make such grooves in the shape of a tetrahedron.

Claims 8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman.

As to claim 8, Norman fails to teach that the rearward end includes a plurality of tetrahedrally shaped grooves disposed radially thereabout. Examiner takes official notice of the use of radially spaced grooves at the end of such a pipe fitting member, and as Applicant has assigned no criticality to the shape of said grooves being tetrahedral, it would have been an obvious matter of design choice to make such grooves in the shape of a tetrahedron.

As to claim 19, Examiner takes official notice of making the slope of a gripping member contact surface smaller than the slope of a nut drive surface. And it would

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have been obvious to modify Norman as such so as to optimize the drive force and/or as an alternative means by which to grip and seal the pipe.

As to claim 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the slope of Norman's gripping member second surface in its rest state is approximately 37 degrees and the slope of Norman's nut second surface approximately 45 degrees, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/  
Primary Examiner, Art Unit 3679